

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FEDERAL RULE OF EVIDENCE 408

Draft Term Sheet
PWS 09-0400106

Administrative Order on Consent
First Mesa Consolidated Villages (FMCV)/Hopi Tribe/EPA R9 ENF
March 2018

Compliance Provisions	Responsible Party	Time Frame
1. Provision of alternative drinking water to consumers	FMCV	(FMCV will research alternative water options by the end of April 2018 and will determine when FMCV can begin providing alternative water.) Continue until the PWS serving the consumers provides SDWA compliant water.
2. Provide SDWA compliant water to the village PWS by way of the HAMP	Tribe	December 31, 2021 (EPA will get an update on when the HAMP will be in place.)
3. Provide a water rate schedule to the village	Tribe	(A preliminary water rate has been determined.) (EPA will confirm loan/grant schedule. Tribe will be able to calculate rates once loan/grant amounts are known.)
4. Develop plan for delivering compliant drinking water to consumers; include plan for rate collection or other funding	FMCV and Tribe	
5. Deliver SDWA compliant water to consumers by way of the HAMP	FMCV	Start December 31, 2021 (EPA to confirm date.) Continue until handover of PWS from FMCV to Tribe.
	Tribe	After handover. (Date of handover dependent on O+M agreement between Tribe and FMCV.)
6. Conduct quarterly monitoring to demonstrate that water served to consumers meets SDWA requirements	FMCV	Start immediately, continue until HAMP completion and PWS handover to Tribe.
	Tribe	After HAMP completion and PWS handover. (Date of handover dependent on O+M agreement between Tribe and FMCV.)
7. Conduct additional monitoring as requested by EPA to ensure compliance with SDWA	FMCV	Effective immediately, continuing until HAMP completion and PWS turnover FMCV will monitor reservoirs and water delivered to consumers
	Tribe	Effective immediately Tribe will conduct requested monitoring of source water. After HAMP completion and PWS handover Tribe will monitor reservoirs and water delivered to consumers.
8. Public Notice when arsenic levels exceed MCL as required by regulations	FMCV	Start immediately, continue until HAMP is in place and PWS handover.
	Tribe	After HAMP in place and PWS handover.

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9. Quarterly Progress Reports	Tribe and FMCV (Separate reports will be submitted by each Respondent.)	Quarterly, starting approximately 3 months after effective date of AOC.
10. Quarterly Coordination Meetings with Tribe, Villages, and EPA. (Optional participation by IHS and USDA.)	Tribe and FMCV (All parties will meet together)	Quarterly, starting approximately 3 months after effective date of AOC.
11. Upon initial compliance, maintain continuous compliance with the arsenic MCL	Tribe and FMCV	December 31, 2021 until handover.
	Tribe	After HAMP completion and PWS handover.